

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 1499

March 18, 2014

SUMMARY OF BILL: Creates a new offense for using a fighting dog, guard dog, or vicious dog in the commission of, or flight from, a criminal offense or to use any such dog to guard or protect illegal activities.

The offense is a Class A misdemeanor if the offense for which the dog was used or property guarded was a misdemeanor and a Class E felony if the offense for which the dog was used or property guarded was a felony.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$285,500/Incarceration*

Assumptions:

- According to the Department of Correction (DOC), there has been an average of 14,267 felony admissions each year for the past 10 years. It is assumed that one percent (142.7 admissions) involved the use of a fighting dog, guard dog, or vicious dog.
- The DOC assumes that 10 percent (14.27 admissions) of these admissions will run consecutive to the underlying offense involved. The proposed legislation will result in 14 admissions serving an additional 1.31 years, the average time served for a Class E felony.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will account for two (14.27 x .1178) additional admissions for a total of 16 (14 + 2).
- According to the DOC, 42.52 percent of offenders will re-offend within three years of their release. A recidivism discount of 42.52 percent has been applied to this estimate to account for the impact of offenders who would re-offend under current law within the additional time added by this bill. It is assumed that the re-offender would have committed the subsequent offense at the same felony level as under current law (16 offenders x .4252 = 7 offenders).
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on nine offenders [16 offenders – 7 (recidivism discount)] serving an additional 1.31 years (478.48 days) for a total of \$31,718.44 (\$66.29 x 478.48 days). The cost for nine offenders is \$285,465.96 (\$31,718.44 x 9).

**Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/trm